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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,042	10/16/2003	Mark Gilmore Mears	PU020446	7488
<div>7590 10/24/2007 JOSEPH S. TRIPOLI THOMSON LICENSING INC. 2 INDEPENDENCE WAY, Suite 200 P.O. BOX 5312 PRINCETON, NJ 08543-5312</div>			<div>EXAMINER LIANG, REGINA</div>	
			<div>ART UNIT 2629</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 10/24/2007</div>	<div>DELIVERY MODE PAPER</div>

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/687,042	<b>Applicant(s)</b> MEARS ET AL.	
	<b>Examiner</b> Regina Liang	<b>Art Unit</b> 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### *Claim Rejections - 35 USC § 103*

2. Claims 1-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunaway (US 5,450,079) in view of Sampsell (US. 6,496,122), Tagg et al (US 2003/0067451 hereinafter Tagg) and Heidel (US 5,342,047 hereinafter Heidel).

As to claims 1 and 10, Dunaway discloses a remote control comprising: a housing (20, Fig. 1); a controller (62, Fig. 3) supported by said housing (20); a display (22, Fig. 3) supported by said housing and coupled to said controller for communication therewith (see Fig. 3), said display divided into a touch screen area defining a plurality of touch selectable buttons and associated labels (24, 26, 28, 30, 32, 34, 36, 38, 40, 42, Fig. 2A), and a programmable message area (22, Fig. 2A) operative to display user selected alphabetic characters; and memory (64, Fig. 3) coupled to said controller (62) for communication therewith and containing program instructions (e.g., different label buttons in different modes as shown in Fig. 2A ad 2C).

Dunaway further discloses depressing HELP button 44 and a selected one of user selectable keypads 24-42, a textual help message associated with a function associated with that user selectable keypad may be displayed within graphic display 22 (see col. 4, lines 2-6).

It is noted that Dunaway does not disclose the function of the selected button is displayed in the message area when the selected one of the plurality selectable buttons is actuated.

However, it would have been obvious to one of ordinary skill in the art to modify the device of

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Dunaway by eliminating the HELP button because it would be more simple and quicker to get to information related to the selected button when only one button is actuated.

Dunaway does not explicitly disclose the remote control that containing program instruction that allow a user to define a custom label for a selected one of the plurality of selectable buttons. However, Sampsell is cited to teach a remote control device similar to Dunaway. Sampsell teach a programmable remote control that containing programmable instruction that allow a user to define a custom label for a selected one of the plurality of selectable buttons (see Figs. 4, 5, and col. 10, lines 11-57 for example). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the remote control of Dunaway to have the programmable instructions that allow a user to define a custom button as taught by Sampsell because Sampsell offers the advantage of easily programming a learning remote control by displaying feedback information on the image screen on the remote control and the convenience of the learning remote control provides backward compatibility with a wide array of image display device (col. 2, lines 58-63). Therefore, Dunaway as modified by Sampsell would allow a user to define a custom label for a selected one of the plurality of selectable buttons that is displayed in the message area when the selected on of the plurality of selectable buttons is actuated.

Dunaway as modified does not disclose pre-etching touch screen area defining a plurality of touch selectable button. However, Tagg teaches a touch panel having a plurality of touch zones (keypads, [0137]) formed by etching a conductive sheet ([0201]). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Dunaway as modified to etch the touch screen area defining a plurality of touch selectable zones

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(buttons or keypads) as taught by Tagg so as to improve selectivity to determine touch detection ([0026] of Tagg).

Dunaway as modified by Foster and Tagg also does not disclose the labels being etched within the touch screen area (buttons). Heidel teaches a touch screen having a plurality of buttons, and a translucent label etched with labels having indicia this is secured with a button (col. 3, lines 33-35, 57-60). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Dunaway as modified by Foster and Tagg to have the labels being etched within the touch area (buttons) as taught by Heidel so as to provide indicia on the touch buttons to define the function of the buttons.

As to claims 2, 11, Dunaway discloses message area is defined by a dot matrix configuration (see Fig. 2A-2C).

As to claims 3, 12, Dunaway discloses the dot matrix configuration defines two rows of message area (e.g., CD PLAYER shown in the message area as shown in Fig. 2B).

As to claims 4 and 13, Sampsell discloses that the remote including a learning mode such that the user can select the command to be learned in an order desired by the user (see col. 8, line 49 to col. 9, line 52).

As to claims 5, 14, Sampsell discloses the custom label is defined during a setup mode of the remote (see Fig. 3).

As to claims 6, 15, Dunaway discloses the display comprises an LCD (see col. 3, line 19).

As to claims 7 and 16, Sampsell teaches means, supported by said housing and coupled to said controller for communication therewith, for receiving signals from another remote control for learning the received signals; and means, supported by said housing and coupled to said

controller for communication therewith, for transmitting signals from the universal remote for control of an unconnected electronic component (see col. 8, lines 10-20).

As to claims 8 and 17, Dunaway discloses means for receiving comprises an IR receiver (310, Fig.1), and said means for transmitting comprises an IR transmitter (116, Fig. 1).

As to claim 9, Dunaway discloses a plurality of hard buttons (44, 46, 48) carried by said housing and coupled to said controller for communication therewith, Sampsell teaches programmable instructions that allow the user to define a custom label for a selected one of said plurality of hard buttons (8 in Fig. 4 and 5). Thus, Dunaway as modified by Sampsell, Tagg and Heidel discloses the limitation as claimed.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's remarks regarding Dunaway (with Tagg and Heidel) on pages 5-7 are not persuasive. Sampsell is cited to teach "allow a user to define a custom label for a selected one of said plurality of selectable buttons", thus Dunaway as modified by Sampsell allowing a user to define a custom label for a selected one of a plurality of selectable buttons that is displayed in the message area as claimed in claims 1 and 10.


Applicant's remarks regarding Tagg, Heidel and Sampsell on pages 7-13 are not persuasive. Applicants cannot show non-obviousness by attacking references individually where, as here the rejections are based on combination of references.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Regina Liang whose telephone number is (571) 272-7693. The examiner can normally be reached on Monday-Friday from 8AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (571) 272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Regina Liang  
Primary Examiner  
Art Unit 2674

10/18/07

  
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